

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ADJUSTMENT OF GAS AND ELECTRIC RATES OF       )  
LOUISVILLE GAS AND ELECTRIC COMPANY       ) CASE NO. 90-158

O R D E R

On March 27, 1991, Jefferson County, Kentucky ("Jefferson") filed a motion requesting the Commission to issue a subpoena compelling Roger W. Hale, Chairman and Chief Executive Officer, Louisville Gas and Electric Company, to testify at the hearing scheduled on April 24, 1991. On March 28, 1991, Louisville Gas and Electric Company ("LG&E") filed a response in opposition to Jefferson's motion. LG&E states that the issuance of a subpoena by the Commission is discretionary in nature and should only be exercised upon a showing that the testimony to be compelled is both relevant and necessary. LG&E further argues that Jefferson's motion violates the established procedural schedule and fails to disclose how the intended testimony is relevant to, or necessary for, a proper adjudication of the issues subject to rehearing.

In a reply to LG&E's opposition, Jefferson admits that the issuance of a Commission subpoena is discretionary and further agrees that the intended testimony could have been obtained through data requests or depositions. However, Jefferson argues that since one of the issues on rehearing is the expenditures recorded in Account 921-Office Supplies, and since that account

reflects a number of expense reimbursements to Mr. Hale, his testimony should be compelled. Two other intervenors, Metro Human Needs Alliance and the Attorney General's office, also filed pleadings in support of Jefferson's motion.

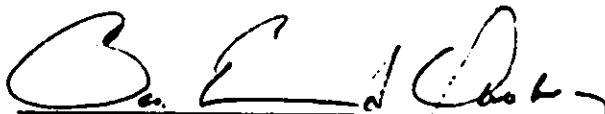
LG&E filed a further response to Jefferson's motion stating that it has already prefiled the testimony of its vice president and controller who has responsibility for the procedures and policies relating to Account 921, and that there has been no showing that there is a need for Mr. Hale's testimony.


Based on the motion and the responses, the Commission hereby finds that neither Jefferson nor any other intervenor has shown that Mr. Hale's testimony is relevant to, and necessary for, a proper adjudication of the issues pending on rehearing. Mr. Hale's testimony was not presented or requested during the initial phase of this case. The Account 921 issue now under consideration in this rehearing is limited in scope and technical in nature. There has been no demonstration that Mr. Hale is in a unique position to be able to respond to questions relative to the practices and procedures regarding Account 921, or that the proffered witnesses will be unable to answer questions concerning that account. The Commission will, however, reconsider this decision during the hearing should any party be able to demonstrate that Mr. Hale's testimony is relevant and necessary to the resolution of this issue.

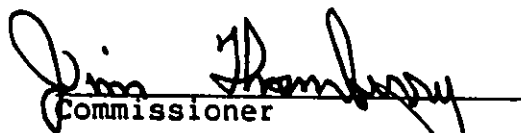
IT IS THEREFORE ORDERED that Jefferson's motion for a subpoena be and it hereby is denied without prejudice.

Done at Frankfort, Kentucky, this 16th day of April, 1991.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director